

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

April 24, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of a Special Activity Permit 2009-71 for
Mr. Carl Jellings and Designated Assistants

The applicant proposes to use regulated lay nets to take unregulated goatfish as part of a study on munitions-related contamination along the Waianae coast, Oahu. These authorized activities include the use of lay nets that exceed the height, length, mesh, depth limits, use during the night, exemption from registration, tagging, and buoying requirements, and use of lay nets more than once per 24-hour period. The applicant will be in attendance of the nets at all times while the nets are in the water and no net may be in the water for more than one hour per set. Mr. Jellings is a licensed commercial fisherman with many years of experience using a variety of fishing nets.

RECOMMENDATION:

"That the Board authorize and approve, with stated conditions, this Special Activity Permit for Mr. Carl Jellings."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson

Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Date Issued: April 24, 2009

Valid not longer than April 23, 2010

SPECIAL ACTIVITY PERMIT

The Department of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittee is

Name: Carl M Jellings
Title: Commercial Fisher

This permit is issued, subject to the general and special conditions, to use unlawful lay nets to take only legal-sized, white and red weke (goatfish) to test for the presence of toxins in marine life originating from WW II ordinance along the Waianae coast of Oahu.

Common Name	Scientific Name	Number Specimen	Collecting Location
White weke	<i>Mulloidichthys flavolineatus</i>	200	Waianae, Oahu
Red Weke	<i>Mulloidichthys vanicolensis</i>	200	Waianae, Oahu

I. GENERAL CONDITIONS:

- A. This permit does not make the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.
- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.

- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Department at least thirty days prior to the change. The addition of new assistants will require each individual to sign the Attachment on page 6 stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department.
- F. The permittee may request to:
 - 1. Add assistants to the permit;
 - 2. Add another permittee or replace an existing permittee in the manner stated above; and
 - 3. Change the activities authorized under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- I. This permit does not authorize the sale of any collected organism.
- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the address listed on the upper left corner of page 1 with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. The permittee agrees to notify the island office of the Division of Conservation and Resources Enforcement at least 24 hours prior to any authorized activity being conducted in the field. Please provide the permittee name, the permit number, the date, time, and location of the planned activity, and contact information.
- M. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as

provided by law. In addition, the Department may consider any such violation as grounds for denying any future application for this or any other permit issued by the Department.

II. SPECIAL CONDITIONS

- A. This permit authorizes the following, notwithstanding the provisions of section 13-75-12.4, HAR:
 - 1. Use of a lay gill net 12' (H) x 375' (L) x 2" mesh in excess of the height, length, and mesh limits;
 - 2. Exemption from the registration, tagging, and buoying requirements;
 - 3. Use of the lay gill nets at night;
 - 4. Use of the lay gill nets more than once per 24 hour period;
 - 5. Use of more than one lay gill net at a time; and
 - 6. Use of the lay gill net in waters greater than 80 feet depth.
- B. No lay gill net may be used for longer than one hour intervals from set to retrieval; provided that the permittee or assistant must be in attendance of the net at all times while the net is in the water.
- C. The use of any chemical substance to take fish is expressly prohibited under this permit but may be used to preserve fish once taken.
- D. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Department (see "C", General Conditions, page 2 of this permit).
- E. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

LAURA H. THIELEN, Chairperson
Department of Land and Natural Resources

cc: (x) DOCARE

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES: Carl M Jellings Jr.
Carl M Jellings

DESIGNATED ASSISTANTS:

Signature: Ben Aldosa

Print Name: Ben Aldosa

Signature: Harris Hopte

Print Name: Harris Hopte

Signature: Carl Jellings

Print Name: Matt Jellings

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Permittee Signatures

_____ Printed name	_____ Signature	_____ Date
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_____ Printed name	_____ Signature	_____ Date
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*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

ATTACHMENT FOR DESIGNATED ASSISTANTS ONLY

Primary Permittee: Carl M Jellings

I, being the primary permittee, hereby acknowledge the addition of the following designated assistants.

Carl M Jellings

Date

ADDITIONAL DESIGNATED ASSISTANTS

We, the undersigned, have read, understand, and agree to all conditions stipulated in the above Special Activity Permit.

Signature _____ Print Name: _____

Signature _____ Print Name: _____

Signature _____ Print Name: _____

Signature _____ Print Name: _____

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